

Before the  
UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Mail Classification Schedule

Docket No. RM2016-8

PUBLIC REPRESENTATIVE COMMENTS ON PROPOSED RULEMAKING  
CONCERNING PRODUCT LISTS AND THE MAIL CLASSIFICATION SCHEDULE

(May 12, 2016)

The Public Representative hereby offers comments in response to Commission Order No. 3213.<sup>1</sup> In that Order, the Commission established the above referenced docket to receive comments from interested persons on its proposed rules to amend the Commission's existing rules concerning the Mail Classification Schedule (MCS) and the associated market dominant and competitive product lists at 39 CFR part 3020. The intent of the proposed rules is to conform the Commission's rules to (1) the current practice of publishing the MCS on the Commission's website; (2) noticing changes to the market dominant and competitive product lists in the *Federal Register*; and (3) publishing the market dominant and competitive product lists in the Code of Federal Regulations (CFR).

The Public Representative commends the Commission for clarifying its rules and practices providing for ready public access to the current MCS and market dominant and competitive product lists.

The Public Representative presents the following suggested clarifications and comment:

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<sup>1</sup> Notice of Proposed Rulemaking Concerning Product Lists and the Mail Classification Schedule, Order No. 3213, April 6, 2016 (Notice).

*Section 3020.2 Product Lists.* The text of the Notice indicates the current practice is to file a product list update with the *Federal Register* on a quarterly basis. Notice at 7. Proposed rule 3020.3(b) sets a maximum 6-month deadline for filing the update, thereby providing a maximum of 3 months from the quarterly accumulation cutoff date to submit changes to the *Federal Register*. *Id.* It appears the intent is to continue submitting quarterly product list updates. However, proposed rule 3020.3(b) does not indicate that intention to file quarterly. To express the Commission's intent, section 3020.3(b) should be modified to provide, "Notice shall be submitted [insert "quarterly"] to the *Federal Register* for publication within 6 months of the issue date of the applicable final order that affects the change."

*Section 3020.5 Modifications to the Mail Classification Schedule.* The proposed rule in section 3020.5(a) states that, whenever a final order issues modifying the MCS, the Commission shall update the MCS. This appears to suggest the Commission shall update its website immediately when the Commission issues a final order modifying the MCS. But section 3020(b) counters that, stating modifications to the Web site shall be incorporated within 3 months (rather than immediately) of the issue date of the final order. The Public Representative suggests therefore modifying section 3020.5(a) to add a phrase at the end of the proposed language in section 3020.5(a) to the effect that the Commission shall update the Mail Classification Schedule whenever the Commission issues a final order that modifies the MCS appearing on its Web site at <http://www.prc.gov> "in accordance with section (b)." This would eliminate any potential uncertainty about the anticipated time frame for updating the MCS on the Commission's website.

*Appendices A and B to subpart A of part 3020.* Finally, the Notice includes Appendix A Market Dominant Product List and Appendix B Competitive Product List. Notice at 14-22. Because the final order in this docket will amend the Code of Federal Regulations, including the Appendices A and B of part 3020, the Public Representative assumes those appendices will be updated when the final order in this docket is issued to conform to the product lists current at the time the final order is issued in this docket.

The Public Representative submits the foregoing Comments for the Commission's consideration.

Respectfully submitted,

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